

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2011- 125 - T**

IN RE:

Petition of the Office of Regulatory )  
 Staff for Commission to Order a )  
 Rule to Show Cause as to Why )  
 The Certificates of Public )  
 Convenience and Necessity for )  
 Certain Motor Carriers Should Not )  
Be Revoked )

PETITION OF THE OFFICE OF  
 REGULATORY STAFF FOR A RULE TO  
 SHOW CAUSE AS TO WHY  
 CERTIFICATES OF PUBLIC  
 CONVENIENCE AND NECESSITY  
 SHOULD NOT BE REVOKED

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The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission:

1. That the Public Service Commission of South Carolina ("the Commission") is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. §58-23-10 et seq. (Supp. 2010); that the Office of Regulatory Staff ("ORS") is charged with the duty to protect the public interest pursuant to S.C. Code Ann. §58-4-10, et seq. (Supp. 2010).

2. That the persons or companies listed in Exhibit A are currently operating as "motor vehicle carriers" as defined in S.C. Code Ann. §58-23-10(4) (1976) in that they own, control, operate or manage motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.

3. That the companies listed in Exhibit A are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-23-1010 et seq. (Supp. 2010); further, that these companies have

submitted themselves to the jurisdiction of the Commission by holding a Certificate of Public Convenience and Necessity as indicated in Exhibit A.

4. That the Companies listed in Exhibit A, upon receiving their Certificates of Public Convenience and Necessity, were found to be fit, willing and able to operate as a motor carrier by the Commission; that such authority found the companies were “familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina” and that they “agree to operate in compliance with these statutes and regulations.” 26 S.C. Code Regs. 103-133.4.a (Supp. 2010).

5. Pursuant to S.C. Code Ann. §§ 58-3-100, 58-3-540, 58-4-60, and 58-9-370 (Supp. 2010), the public utilities subject to the Commission’s jurisdiction are assessed by the Department of Revenue based on amounts that are certified by the Commission, the review committee, and ORS to be assessed. ORS may require the production of books, records and other information concerning any matter about which the ORS is authorized to inquire or keep itself informed or which it is required to enforce. S.C. Code Ann. § 58-4-55 (Supp. 2010).

6. That, pursuant to S.C. Code Ann. §58-4-10 et seq. (Supp. 2010), beginning January 1, 2005, the Office of Regulatory Staff must represent the public interest of South Carolina before the Commission and has authority to enforce collection of such fees and to collect such annual reports.

7. That the companies listed in Exhibit A failed to complete and submit gross receipts forms which were due on or before August 31, 2010, and are therefore currently not in compliance with statutes governing the regulation of motor carriers.

8. That “the Commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the Commission, the

motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the Commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service..." 26 S.C. Code Ann. Regs. 103-240 (Supp. 2010).

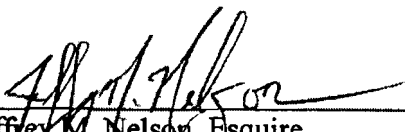
9. That "the Commission may, at any time, by its order, duly entered, after a hearing had upon notice to the holder of any certificate hereunder at which such holder shall have had an opportunity to be heard and at which time it shall be proved that such holder has willfully made any misrepresentation of a material fact in obtaining his certificate or willfully violated or refused to observe the laws of this State touching motor vehicle carriers or any of the terms of his certificate or of the Commission's proper orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of Articles 1 to 11 of this chapter." S.C. Code Ann. §58-23-320 (Supp. 2010).

10. Pursuant to 26 S.C. Code Regs. 103-830 (B) (1), "If a person other than the petitioner is named in a petition for a declaratory order or in a petition for a rule to show cause, the Chief Clerk shall cause a copy of the petition to be mailed to such named person within 14 days of the filing of the petition." In order to assist the Commission in serving this Petition on the Respondents, ORS has provided information in Exhibits A and B as to the status of each motor carrier.

11. The information for the business entities listed in Exhibit A accurately reflects the information on file with the South Carolina Secretary of State as of March 21, 2011. See Exhibit B, Affidavit of Dawn Hipp.

**WHEREFORE**, the ORS staff prays that the Honorable Commission:

1. Issue an order requiring the carriers listed on Exhibit A to appear before the Commission, and show cause why any order should not be issued from this Commission revoking the Certificates of Public Convenience and Necessity previously issued to said carriers;
2. Provide for the opportunity by the carrier to respond to the allegations of this Petition within thirty (30) days from the date of the receipt of the Order;
3. Schedule and conduct a formal administrative hearing to address disputed issues of fact and law regarding the Certificate pursuant to 26 S.C. Code Regs. 103-240 (Supp. 2010).
4. Enter a final order revoking the Certificates of Public Convenience and Necessity held by those carriers failing to submit the required gross receipts forms; and
5. For other appropriate action which the Commission may deem necessary.



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Jeffrey M. Nelson, Esquire  
Shealy Boland Reibold, Esquire  
**Office of Regulatory Staff**  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201  
Telephone: (803) 737-0800  
Fax: (803) 737-0895

March 23, 2011  
Columbia, South Carolina

## Exhibit A

Docket No. 2011- T

Rule to Show Cause Transportation Carriers Non-Compliant with Gross Receipts Filing 2010

March 21, 2011

#	Company Name	DBA	Certificate Type	Address	City	State	Zip	Docket #	Order #	Date Certified	Secretary of State Standing
1	Arrow Van Lines, Inc.		Class E HHG	200-A Purrysburg Rd.	Simpsonville	SC	29681	2003-315-T	2004-149	5/10/2004	Good Standing
2	Dart Trucking Company, Inc.		Class E HAZ	PO Box 60	Columbia	SC	29206	1990-427-T	1991-43	1/29/1991	Good Standing
3	Oleen Brothers, Inc.	Oleen Moving	Class E HHG	853 Quail Dr	Bluffton	SC	29910	2008-419-T	2009-34	2/3/2009	No Agent
4	Transportation Carriers & Storage Inc.	The Moving Mann	Class E HHG	1494 Wrightsboro Rd	Augusta	GA	30901	1995-1158-T	1995-1642	11/7/1995	Dissolved

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2011-\_\_-T**

March 22, 2011

IN RE: Petition of the Office of Regulatory	)	
Staff for Commission to Order a	)	
Rule to Show Cause as to Why The	)	
Certificates of Public Convenience	)	AFFIDAVIT OF
and Necessity for Certain	)	DAWN M. HIPPI
Motor Carriers Should Not be	)	
Revoked	)	

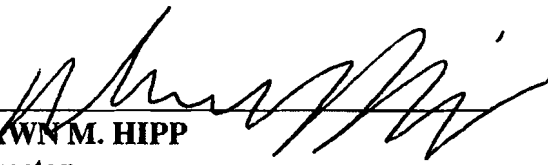
The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Dawn Hipp and I am employed by the Office of Regulatory Staff ("ORS") as the Director of Telecommunications, Transportation, Water and Wastewater.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- 3) It is the regular business practice of ORS to maintain certain business records required to be filed by motor carriers that are subject to the jurisdiction of the PSC.
- 4) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 5) On March 22, 2011, I examined the business records on file with ORS.
- 6) As a result of that examination, I attest that the Gross Receipts Forms have not been filed with ORS by the following motor carriers as of March 22, 2011: (Exhibit A)

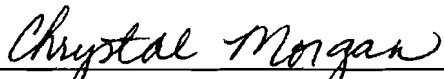
**EXHIBIT B**

- 7) I and/or personnel under my direction researched the South Carolina Secretary of State's website in order to determine the corporate status of the business entities listed in Exhibit A of this petition. I attest that, to the best of my knowledge, the corporate statuses of the business entities listed in Exhibit A are accurate.

AND FURTHER THE AFFIANT SAYETH NOT.

  
**DAWN M. HIPPI**  
**Director**  
**Office of Regulatory Staff**  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201

Sworn and subscribed before me  
this 22<sup>nd</sup> day of March, 2011

  
Notary Public for South Carolina  
My Commission Expires: 9/22/2014

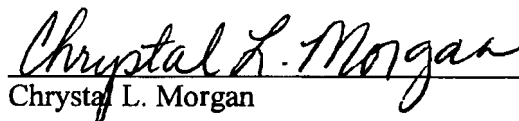
**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**

**DOCKET NO. 2011- \_\_\_\_\_ - T**

IN RE: Petition of the Office of Regulatory Staff for )  
Commission to Order a Rule To Show )  
Cause as to Why The Certificates of Public ) **CERTIFICATE OF SERVICE**  
Convenience and Necessity for Certain )  
Motor Carriers Should Not Be Revoked )

This is to certify that I, Chrystal L. Morgan, an employee with the Office of Regulatory Staff, have this date served one (1) copy of the **PETITION OF THE OFFICE OF REGULATORY STAFF FOR A RULE TO SHOW CAUSE AS TO WHY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY SHOULD NOT BE REVOKED** in the above-referenced matter to the person(s) named on the attached service list by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown in the attached list:

Arrow Van Lines, Inc. 200-A Purrysburg Rd. Simpsonville, SC 29681	Dart Trucking Company, Inc. PO Box 60 Columbia, SC 29206
Transportation Carriers & Storage Inc. The Moving Mann 1494 Wrightsboro Rd Augusta, GA 30901	Oleen Moving 853 Quail Dr Bluffton, SC 29910

  
Chrystal L. Morgan

March 23, 2011  
Columbia, South Carolina